

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARGETTA LANGLOIS,

Pro Se Plaintiff,

v.

SAMUEL POLLACK,

MICHAEL HUGO,

ALBERT FLANDERS

Defendants.

CIVIL ACTION: 04-CV11588

**MOTION TO COMPEL THE DEPOSITION OF PLAINTIFF,**  
**MARGETTA LANGLOIS**

The Defendants, Samuel M. Pollack and Albert Flanders, respectfully move this Honorable Court to compel the deposition of Plaintiff, Margetta Langlois for January 27, 2005 at 10:00 a.m. at the offices of Pollack & Flanders, LLP, 50 Congress St., Boston, MA, 02109. In support of this motion, the Defendants state as follows:

1. The Plaintiff, Margetta Langlois has filed a compliant against Samuel M. Pollack and Albert Flanders, herein referred to as "Defendants."
2. Under Federal Rules of Civil Procedure, Rule 30(a), a party may take the testimony of any person, including a party, by deposition upon oral examination.
3. On December 2, 2004, the Defendants served upon the Plaintiff a Notice of Deposition, a copy of the Notice of Deposition is attached hereto as Exhibit 1.

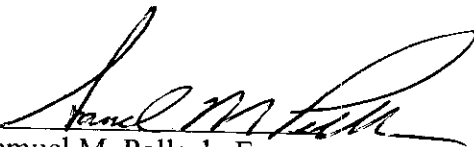
4. The Plaintiff was served at the primary mailing address that was provided in her Complaint, namely P.O. Box 3091, Holiday, FL 34690.
5. On December 8, 2004, having received no response from the Plaintiff, the Defendants served upon the Plaintiff another copy of the Notice of Deposition, a copy of the Notice of Deposition is attached hereto as Exhibit 2.
6. The Plaintiff was served at a secondary mailing address, namely 3 Thompson Court, Lowell, MA 01854
7. As a result of the address confusion, and to accommodate the parties' schedules, the deposition was moved from December 15, 2004 to January 11, 2005.
8. On December 10, 2004, the Defendants served upon the Plaintiff a new Notice of Deposition that adhered to the previously agreed upon date and time, a copy of the Notice of Deposition is attached hereto as Exhibit 3.
9. On January 6, 2005 Samuel M. Pollack phoned the Plaintiff to confirm her attendance at the deposition. During this telephone conversation, the Plaintiff informed Mr. Pollack for the first time that she refused to be deposed. She stated that there was "no way" she will have her deposition taken, a copy of Samuel M. Pollack's affidavit is attached hereto as Exhibit 4.
10. The Defendants have continuously made good faith efforts in their attempt to conduct discovery through the taking of the Plaintiff's deposition.
11. The Plaintiff has acted in bad faith in her deliberate misleading of the Defendants and her constant neglect for the Federal Rules of Civil Procedure.

12. The Defendants assert that the taking of the Plaintiff's deposition is relevant and necessary to ensure full and complete discovery of this cause of action.

WHEREFORE, for the foregoing reasons, the Defendants respectfully request that this Honorable Court compel the deposition of Plaintiff, Margetta Langlois for January 27, 2005 at 10:00 a.m., at the offices of Pollack & Flanders, LLP, 50 Congress St., Boston, MA, 02109. Further, the Defendants move for all reasonable costs that this Honorable Court deems appropriate.

Dated: January 7, 2005

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Samuel M. Pollack", written over a horizontal line.

Samuel M. Pollack, Esq.  
BBO #: 560617  
Pollack & Flanders, LLP  
Boston, MA 02109

CERTIFICATE OF SERVICE

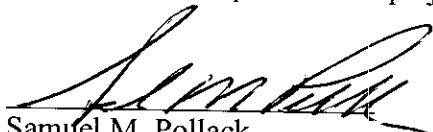
I, Samuel M. Pollack, Defendant hereby certify that I have this 7<sup>th</sup> day of January, 2005 served a copy on the Plaintiff of the within Motion to Compel the Deposition of the Plaintiff, Margetta Langlois, by mailing a copy of the same, postage prepaid, directed to:

Margetta Langlois  
P.O. Box 3091  
Holiday, FL 34690

Margetta Langlois  
C/O Kathy Hagan  
3 Thompsons Court  
Lowell, MA 01854

Michael Hugo  
95 Commercial Wharf  
Boston, MA 02109

Signed under the penalties of perjury.

  
Samuel M. Pollack